

REMARKS/ARGUMENTS

The claims of the present application stand rejected under 35 USC 103(a) as being unpatentable over Kubby in view of Yamashita.

With the utmost of respect, the Applicant submits that the Examiner has not given due consideration to the arguments previously presented by the Examiner. The Examiner has stated on page 3, lines 17-19 of the latest Office Action, that Yamashita at least teaches "that the ink is jetted at an output of from 1 to 70 nanograms per droplet to effect recording". The Examiner has referred to sections of Yamashita that specify that the ink is ejected at between 1 and 30 nanograms per drop, namely the abstract, col 30, lns 29-32 and col 31, lns 18-22. However, nowhere in these examples is there described a printer construction that is suitable for ejecting ink at less than 4 nanograms per drop.

The Examiner uses Kubby to teach features of the printer, yet nowhere in Kubby is there the suggestion that the nozzle construction of Kubby is suitable for ejecting ink at less than 4 nanograms per drop. Merely introducing the ink of Yamashita into the printer of Kubby will not result in a printer that is capable of ejecting ink at less than 4 nanograms per drop.

In an attempt to clarify this point, the Applicant takes the liberty of introducing an analogy.

The combination of a reference regarding a printer and a reference regarding an ink, is analogous to the combination of a car and a tyre for the car. Tyres commonly come with speed ratings that state the maximum speed that a car using the tyre can safely travel at. If a car were to have a top speed of, say 200 miles per hour, and it were to be provided with tyres that were speed rated at 250 miles per hour, then the combination of car and tyre would NOT be able to travel at 250 miles per hour because the speed is limited by the performance of the car, not the tyre.

In the present situation, the performance is limited by the printer, not the ink that it is provided with. The printer must be of a construction that is adapted to eject ink at less than 4 nanograms per drop and nowhere does Kubby suggest that the printer is of such a construction. Thus the combination of Yamashita and Kubby does not teach a printer construction that can eject ink at less than 4 nanograms per drop.

Claims 38 to 54 have been cancelled.

The present inventors have described a printer with a nozzle construction that is capable of ejecting ink at less than 4 nanograms per drop. Having sufficiently described such a printer, the Applicant is entitled to claim the invention broadly. However, in the event that the Examiner is unreceptive to the above reasoning, the Applicant has presented new claim 55 for consideration. Claim 55 defines the nozzle structure that allows the nozzle to operate at droplet sizes of less than 4 nanograms per drop. The defined structure is distinguished from the "side shooter" construction of Kubby because the nozzle opening is disposed directly over the suspended heating element. Kubby describes a heater plate construction that operates in tandem with a channel plate (see Figure 5) so that ink is ejected to the side out of the channel opening. 22

Applicant considers that claim 55 is not taught by Kubby and is therefore novel and inventive.

The present response is fully responsive to the issues raised in the Office Action of 21 June 2005 and satisfies the requirements of a submission under the Request for Continued Examination provisions. Continued examination of the application is therefore respectfully requested.

Very respectfully,

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